

A. G. Contract No. KR98 0585TRN
ADOT ECS File No.: JPA 98-43
Project: H3156 01C
Section: SR-87 @ Florence Blvd.

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF COOLIDGE

THIS AGREEMENT is entered into 9-11-98 1998,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the CITY OF COOLIDGE, acting by and through
its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.
3. The State and the City desire to participate in the design, construction and maintenance of new roadway lighting on SR-87 (Arizona Avenue) at the intersection of Florence Blvd. in the City, at an estimated cost of \$124,100.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public.
4. The State will install City supplied underground conduits for the Project, and furnish Project poles and fixtures. The City will be responsible for the installation of the poles and fixtures and above ground construction, and be responsible for the cost of same.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 22406
Filed with the Secretary of State
Date Filed: 06/08/98
Robert Paulsen
Secretary of State
By Wesley H. Overwood

II. SCOPE

1. The State will:

- a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction of the lighting Project. Incorporate City review comments as appropriate.
- b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Confer with the City on any lighting Project related contract modifications. Be responsible for the cost of underground construction and the costs associated therewith, and for any contractor claims for extra compensation attributable to the State.

2. The City will:

- a. Review the signal Project design documents and provide comments.
- b. Be responsible for above ground construction and the costs associated therewith, and for any contractor claims for extra compensation attributable to the City.
- c. Upon completion and acceptance of the Project by the State, provide electrical energy and maintenance for the lighting.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.
2. This agreement shall become effective upon filing with the Secretary of State.
3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.
4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.
5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-151B.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007


City of Coolidge
City Manager
PO Box 1498
Coolidge, AZ 85228-1498


7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF COOLIDGE

STATE OF ARIZONA
Department of Transportation

By 
TOM SHOPE
Mayor

By 
MICHAEL P. MANTHEY
State Traffic Engineer

ATTEST

By 
LISA PANNELLA
City Clerk

RESOLUTION NO. 98-15

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF COOLIDGE, AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF DEFINING RESPONSIBILITIES FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF NEW WARRANTED ROADWAY LIGHTING NORTH TO THE INTERSECTION OF SR-87 AND SR-287.

WHEREAS, the City is empowered by Arizona Revised Statutes §48-572 to enter into an agreement with The State of Arizona; and

WHEREAS, the State is empowered by Arizona Revised Statutes Section §28-401 to enter into an agreement with the City Of Coolidge; and

WHEREAS, the State and the City desire to participate in the design, construction and maintenance of new roadway lighting warranted on SR-87 (Arizona Avenue) at the intersection of Florence Blvd. In the City, at an estimated cost of \$124,100.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public; and

WHEREAS, the State will install City supplied underground conduits for the Project, and furnish Project poles and fixtures. The City will be responsible for the installation of the poles and fixtures and above ground construction, and be responsible for the cost of same

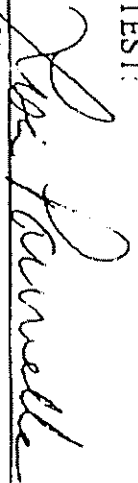
NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the City of Coolidge, that the Mayor for the City of Coolidge is, hereby, authorized and directed to execute and deliver an Intergovernmental Agreement between the State of Arizona Department of Transportation and the City of Coolidge for the purpose of defining responsibilities for the design, construction and maintenance of new warranted roadway lighting north to the intersection of SR-87 and SR-287.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Coolidge this 27th day of April, 1998.


Mayor

ATTEST:

APPROVED AS TO FORM:


City Clerk


City Attorney

APPROVAL OF THE COOLIDGE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF COOLIDGE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 26th day of May, 1998.

Robert M. Yates
City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

GRANT WOODS
ATTORNEY GENERAL

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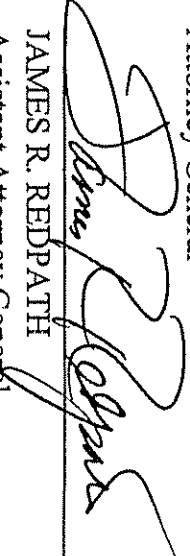
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-0585TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE June 2, 1998.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/12790

Enc.